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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,143	01/23/2004	Karri Ranta-Aho	944-3.209	6083

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,143

Applicant(s)

RANTA-AHO ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/22/2005 with respect to the rejection(s) of claim(s) 1-23 under the double patenting rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jain et al (Jain), U.S. Patent Pub. No. 2005/0169301 as set forth below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al (Jain), U.S. Patent Pub. No. 2005/0169301.

Regarding claims 1 and 14-18, Jain discloses a method by which a UE device configured for wireless communication with a node (10) of a wireless communication system is instructed to adjust the value of a data rate pointer (11a) maintained in the UE device (11), the data rate pointer (11a) indicating a maximum allowed data rate

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available to the UE (11) for uplink transmission of data to the node (10), the method including: a step (26) in which the node (10) issues to the UE device (11) a change command in response to a change request by the UE device (11), the node (10) issuing the change command based on predetermined rules (0061-0064, 0072-0076); and a step (27) in which the UE device (11) adjusts the data rate pointer (11a) according to the change command and based on predetermined rules (power control threshold) for interpreting the change command (0087-0092); the method characterized in that the predetermined rules used by the node (10) in responding to the change request differ depending on the current value of the data rate pointer (0087-0092).

Regarding claim 2, Jain discloses the method of claim 1, further characterized in that the predetermined rules differ depending on the current value of the data rate pointer compared to a threshold value for the data rate pointer (0087-0092).

Regarding claim 3, Jain discloses the method of claim 2, further characterized in that if the current value is less than the threshold value, the change command signals a new value for the data rate pointer or signals a number of steps by which to increment the data rate pointer (0087-0093).

Regarding claim 4, Jain discloses the method of claim 3, further characterized in that the new value is signaled using a shared downlink channel along with an inherent indicator for identifying the UE device as evidenced by the fact that multiple mobile stations are in the system making requests and being granted requests (0091-0094; figure 6).

Regarding claim 5, Jain discloses the method of claim 3, further characterized in that the new value is signaled using a downlink dedicated physical data channel (DPDCH) (0072, 0073).

Regarding claim 6, Jain discloses the method of claim 3, further characterized in that the new value is signaled using a downlink dedicated data channel or a downlink dedicated signaling channel (0072, 0073, 0087).

Regarding claim 7, Jain discloses the method of claim 1, further characterized in that in accord with the predetermined rules used by the node in responding to the change request, the UE device interprets the change command differently for different values of the current value of the data rate pointer (0087-0094).

Regarding claim 8, Jain discloses the method of claim 7, further characterized in that the predetermined rules differ depending on the current value of the data rate pointer compared to a threshold value for the data rate pointer (0087-0094).

Regarding claim 9, Jain discloses the method of claim 8, wherein the change command is an increment pointer command, and the method is further characterized in that if the current value is less than the threshold value, then the UE device interprets the increment pointer command as a command to change the data rate pointer to a predetermined fast ramp-up pointer value or to change the data rate pointer by a predetermined fast ramp-up number of steps (0087-0094).

Regarding claim 10, Jain discloses the method of claim 8, wherein the change command is a decrement pointer command, and if the current value is zero, then the UE device interprets the decrement pointer command as a command to change the

data rate pointer to a predetermined fast ramp-up pointer value or to change the data rate pointer by a predetermined fast ramp-up number of steps (0087-0094, 0119-0121).

Regarding claim 11, Jain discloses the method of claim 8, further characterized in that if the current value is less than the threshold value, then the node issues a sequence of bits of a predetermined length as the pointer change command, and the UE device interprets the sequence of bits as conveying a value to which to change the data rate pointer or as conveying a number of steps by which to change the data rate pointer (0087-0094).

Regarding claim 12, Jain discloses the method of claim 11, further characterized in that the first bit of the sequence of bits is a pointer increment command, and upon receiving the first bit of the sequence the UE device immediately increments the data rate pointer by one step, and upon receiving the other bits of the sequence the UE device changes the data rate pointer according to the predetermined rules governing receiving the sequence of bits as the pointer change command (0087-0094).

Regarding claim 13, Jain discloses the method of claim 12, further characterized in that if a first bit in a sequence of pointer change command bits is not a pointer increment command, the UE device interprets the first bit and the subsequent bits as individual pointer change commands (0087-0094).

Regarding claim 19, Jain discloses the system of claim 18, further comprising a controller element of a core network of the wireless communication system, and further characterized in that the controller element communicates to the node and to the UE

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device via the node information sufficient to specify parameters of the predetermined rules (0096).

Regarding claim 20, Jain discloses the system of claim 19, wherein the parameters include the threshold or the information characterizing a threshold (0087-0094).

Regarding claim 21, Jain discloses the system of claim 20, wherein the information characterizing a threshold is one or more allowed data rates (0087-0094).

Regarding claim 22, Jain discloses the system of claim 20, wherein the parameters include the predetermined fast ramp-up pointer value (0087-0094).

Regarding claim 23, Jain discloses the system of claim 20, wherein the parameters include the predetermined fast ramp-up number of steps (0087-0094).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Attar et al, U.S. Patent Pub. No. 2005/0111397, discloses a hybrid TDM/OFDM/CDM reverse link transmission.

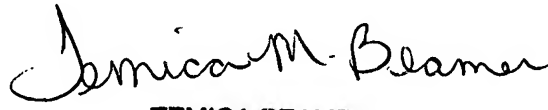
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
TEMICA BEAMER  
PRIMARY EXAMINER  
12/12/05